## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA SOUTHERN DIVISION

TERESA PHELPS, o/b/o	)
DENNIS D. PHELPS, deceased,	)
Plaintiff,	)
VS.	) 1:05-CV-00548-DRB ) [WO]
JOANNE B. BARNHART,	)
COMMISSIONER OF SOCIAL SECURITY,	)
	)
Defendant.	)

## **ORDER ON MOTION**

On December 5, 2005, this court entered a *Final Judgment* remanding this case to the Commissioner of Social Security for further proceedings pursuant to *sentence four* of 42 U.S.C. §405(g). (Docs. 25 and 26). Submitted now is the uncontested *Plaintiff's Motion for Attorney's Fees* filed with a supporting brief and other documentation on March 3, 2006 (Docs. 29-31).

Pursuant to the Equal Access to Justice Act, 28 U.S.C.§2412, Plaintiff seeks a total award of \$3,042.90 for attorney's fees to counsel of record, Georgia H. Ludlum, at an hourly rate of \$147.00.<sup>2</sup> The court finds that Plaintiff's motion is timely filed and that he is a "prevailing party" within the meaning of 28 U.S.C. §2412(d)(1)(A), in that pursuant to the

<sup>&</sup>lt;sup>1</sup>The Commissioner "does not object to payment of attorney fees and expenses in the amount of \$3,042.90" and "asks the court to enter such an award, payable to Plaintiff's attorney." (*Defendant's Response*, Doc. 33, filed March 20, 2006).

<sup>&</sup>lt;sup>2</sup>Plaintiff's fee itemization reflects a total of 20.7 hours of services rendered between June 1, 2005 and March 3, 2006. (Doc. 31).

Order and Judgment filed December 5, 2005, the court remanded this case for further

consideration pursuant to sentence four of 42 U.S.C. §405(g). Plaintiff has documented

increases in the consumer price index which authorize an increase from the \$125 hourly fee

specified in the EAJA to the requested hourly rate as an adjustment for inflation. Plaintiff's

requested hourly rate is reasonable as are the hours expended for legal representation.

Accordingly, it is the ORDER, JUDGMENT, and DECREE of this court that the

Plaintiff's Motion for Attorney's Fees (Doc. 29) is GRANTED in the total amount of

\$3,042.90, payable to the Plaintiff's counsel of record, the Law Offices of Georgia H.

Ludlum.

DONE this 20th day of March, 2006.

/s/ Delores R. Boyd

DELORES R. BOYD

UNITED STATES MAGISTRATE JUDGE

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